

AMENDED IN SENATE AUGUST 30, 1999

AMENDED IN SENATE JULY 12, 1999

AMENDED IN ASSEMBLY JUNE 1, 1999

AMENDED IN ASSEMBLY MAY 6, 1999

AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 1151**

**Introduced by Assembly Member Leach**  
*(Coauthors: Assembly Members Campbell, Cox, House,*  
*Robert Pacheco, and Wiggins)*  
*(Coauthors: Senators Leslie and Rainey)*

February 25, 1999

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An act to amend Section 668 of the Harbors and Navigation Code, relating to vessels.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1151, as amended, Leach. Vessels.

Existing law requires the operator of any vessel involved in an accident who knows or has reason to know that the accident resulted in the injury, death, or disappearance of any person to fulfill specified duties relating to furnishing information, reporting the accident to law enforcement, and rendering assistance. Existing law provides that a person who violates these requirements shall be punished by imprisonment in the state prison or in a county jail for not

more than one year, or by a fine of not more than \$10,000, or by both that imprisonment and fine.

This bill would specify that if a fine is imposed for a violation of any of those requirements, ~~as they pertain to an accident that results in personal injury~~, the fine shall be not less than \$1,000. ~~The bill would eliminate the punishment for failing to fulfill those requirements as they pertain to an accident that results in the death or disappearance of any person.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 668 of the Harbors and  
2 Navigation Code is amended to read:

3 668. (a) Any person who violates subdivision (c) of  
4 Section 652, Section 654, 654.05, 654.06, 655.7, 658.3, 659,  
5 673, 674, or 754, or any regulations adopted pursuant  
6 thereto, or any regulation adopted pursuant to Section  
7 655.3 relating to vessel equipment requirements, is guilty  
8 of an infraction, punishable by a fine of not more than two  
9 hundred fifty dollars (\$250).

10 (b) (1) Any person who violates Section 655.2, or any  
11 regulation adopted pursuant thereto, or, except as  
12 provided in subdivision (a), any regulation adopted  
13 pursuant to Section 655.3, is guilty of a misdemeanor and  
14 shall be punished by a fine of not more than one hundred  
15 dollars (\$100) or imprisonment in the county jail for not  
16 more than five days, or by both that fine and  
17 imprisonment, for each violation.

18 (2) Any person who violates subdivision (a) or (b) of  
19 Section 658 is guilty of a misdemeanor and shall be  
20 punished by a fine of not more than two hundred dollars  
21 (\$200) for each violation.

22 (3) Any person who violates subdivision (d) of Section  
23 652, Section 652.5, subdivision (a) of Section 655, Section  
24 655.05, 656, or 656.1, subdivision (d) or (e) of Section 658,  
25 Section 663.6 or 665, or any rules and regulations adopted  
26 pursuant to subdivision (b) or (c) of Section 660, is guilty  
27 of a misdemeanor and shall be punished by a fine of not

1 more than one thousand dollars (\$1,000) or imprisonment  
2 in the county jail for not more than six months, or by both  
3 that fine and imprisonment, for each violation.

4 (c) (1) Any person convicted of a violation of Section  
5 656.2 *or* 656.3 shall be punished by a fine of not less than  
6 one thousand dollars (\$1,000) ~~not~~ *or* more than ten  
7 thousand dollars (\$10,000), or by imprisonment in the  
8 state prison or in the county jail for not more than one  
9 year, or by both that fine and imprisonment.

10 (2) In imposing the minimum fine required by this  
11 subdivision, the court shall take into consideration the  
12 defendant's ability to pay the fine and, in the interest of  
13 justice for reasons stated in the record, may reduce the  
14 amount of that minimum fine to less than the amount  
15 otherwise required by this subdivision.

16 (d) Any person convicted of a violation of Section 658.5  
17 shall be punished by a fine of not more than one hundred  
18 dollars (\$100).

19 (e) Any person convicted of a first violation of  
20 subdivision (b), (c), (d), or (e) of Section 655, or of a  
21 violation of Section 655.4, shall be punished by a fine of not  
22 more than one thousand dollars (\$1,000) or imprisonment  
23 in the county jail for not more than six months, or by both  
24 that fine and imprisonment. If probation is granted, the  
25 court, as a condition of probation, may require the person  
26 to participate in, and successfully complete, an alcohol or  
27 drug education, training, or treatment program, in  
28 addition to imposing any penalties required by this code.  
29 In order to enable all persons to participate in licensed  
30 programs, every person referred to a program licensed  
31 pursuant to Section 11836 of the Health and Safety Code  
32 shall pay that program's costs commensurate with that  
33 person's ability to pay as determined by Section 11837.4  
34 of the Health and Safety Code.

35 (f) Any person convicted of a second or subsequent  
36 violation of subdivision (b), (c), (d), or (e) of Section 655  
37 within seven years of the first conviction of any of those  
38 subdivisions or subdivision (f) of Section 655, or any  
39 person convicted of a violation of subdivision (b), (c),  
40 (d), or (e) of Section 655 within seven years of a separate

1 conviction of Section 191.5 or subdivision (c) of Section  
2 192.5 of the Penal Code, when the separate conviction  
3 resulted from the operation of a vessel, or a separate  
4 conviction of Section 23152 or 23153 of the Vehicle Code  
5 or of Section 191.5 or paragraph (3) of subdivision (c) of  
6 Section 192 of the Penal Code, when the separate  
7 conviction resulted from the operation of a motor vehicle,  
8 shall be punished by a fine of not more than one thousand  
9 dollars (\$1,000) or imprisonment in the county jail for not  
10 more than one year, or by both that fine and  
11 imprisonment. If probation is granted, the court, as a  
12 condition of probation, may require the person to do  
13 either of the following, if available in the county of the  
14 person's residence or employment:

15 (1) Participate, for at least 18 months subsequent to  
16 the underlying conviction and in a manner satisfactory to  
17 the court, in a program licensed pursuant to Chapter 9  
18 (commencing with Section 11836) of Part 2 of Division  
19 10.5 of the Health and Safety Code, as designated by the  
20 court. In order to enable all required persons to  
21 participate, each person shall pay the program costs  
22 commensurate with the person's ability to pay as  
23 determined pursuant to Section 11837.4 of the Health and  
24 Safety Code.

25 (2) Participate, for at least 30 months subsequent to  
26 the underlying conviction and in a manner satisfactory to  
27 the court, in a program licensed pursuant to Chapter 9  
28 (commencing with Section 11836) of Part 2 of Division  
29 10.5 of the Health and Safety Code. A person ordered to  
30 treatment pursuant to this paragraph shall apply to the  
31 court or to a board of review, as designated by the court,  
32 at the conclusion of the program to obtain the court's  
33 order of satisfaction. Only upon the granting of that order  
34 of satisfaction by the court may the program issue its  
35 certificate of successful completion. A failure to obtain an  
36 order of satisfaction at the conclusion of the program is a  
37 violation of probation. In order to enable all required  
38 persons to participate, each person shall pay the program  
39 costs commensurate with the person's ability to pay as  
40 determined pursuant to Section 11837.4 of the Health and

1 Safety Code. No condition of probation required  
2 pursuant to this paragraph is a basis for reducing any  
3 other probation requirement.

4 (g) Any person convicted of a violation of subdivision  
5 (f) of Section 655 shall be punished by imprisonment in  
6 the state prison, or in the county jail for not less than 90  
7 days or more than one year, and by a fine of not less than  
8 two hundred fifty dollars (\$250) or more than five  
9 thousand dollars (\$5,000). If probation is granted, the  
10 court, as a condition of probation, may require the person  
11 to participate in, and successfully complete, a program  
12 licensed pursuant to Chapter 9 (commencing with  
13 Section 11836) of Part 2 of Division 10.5 of the Health and  
14 Safety Code, if available in the person's county of  
15 residence or employment, as designated by the court. In  
16 order to enable all required persons to participate, each  
17 person shall pay the program costs commensurate with  
18 the person's ability to pay as determined pursuant to  
19 Section 11837.4 of the Health and Safety Code.

20 (h) (1) If any person is convicted of a violation of  
21 subdivision (f) of Section 655 within seven years of a  
22 separate conviction of a violation of subdivision (b), (c),  
23 (d), or (e) of Section 655 and is granted probation, the  
24 court shall impose as a condition of probation that the  
25 person be confined in the county jail for not less than five  
26 days or more than one year and pay a fine of not less than  
27 two hundred fifty dollars (\$250) or more than five  
28 thousand dollars (\$5,000).

29 (2) If any person is convicted of a violation of  
30 subdivision (f) of Section 655 within seven years of a  
31 separate conviction of a violation of subdivision (f) of  
32 Section 655, of Section 191.5 or subdivision (c) of Section  
33 192.5 of the Penal Code, when the prior conviction  
34 resulted from the operation of a vessel, or Section 23152  
35 or 23153 of the Vehicle Code or Section 191.5 or paragraph  
36 (3) of subdivision (c) of Section 192 of the Penal Code,  
37 when the separate conviction resulted from the operation  
38 of a motor vehicle, and is granted probation, the court  
39 shall impose as a condition of probation that the person  
40 be confined in the county jail for not less than 90 days or

1 more than one year, and pay a fine of not less than two  
2 hundred fifty dollars (\$250) or more than five thousand  
3 dollars (\$5,000), and the court, as a condition of probation,  
4 may order that the person participate in a manner  
5 satisfactory to the court, in a program licensed pursuant  
6 to Chapter 9 (commencing with Section 11836) of Part 2  
7 of Division 10.5 of the Health and Safety Code, if available  
8 in the county of the person's residence or employment.  
9 In order to enable all required persons to participate,  
10 each person shall pay the program costs commensurate  
11 with the person's ability to pay as determined pursuant to  
12 Section 11837.4 of the Health and Safety Code.

13 (i) The court shall not absolve a person who is  
14 convicted of a violation of subdivision (f) of Section 655  
15 within seven years of a separate conviction of a violation  
16 of subdivision (b), (c), (d), (e), or (f) of Section 655, of  
17 Section 191.5 or subdivision (c) of Section 192.5 of the  
18 Penal Code, when the separate conviction resulted from  
19 the operation of a vessel, or Section 23152 or 23153 of the  
20 Vehicle Code or Section 191.5 or paragraph (3) of  
21 subdivision (c) of Section 192 of the Penal Code, when the  
22 separate conviction resulted from the operation of a  
23 motor vehicle, from the minimum time in confinement  
24 provided in this section and a fine of at least two hundred  
25 fifty dollars (\$250), except as provided in subdivision (h).

26 (j) Except in unusual cases where the interests of  
27 justice demand an exception, the court shall not strike a  
28 separate conviction of an offense under subdivision (b),  
29 (c), (d), (e), or (f) of Section 655 or of Section 191.5 or  
30 subdivision (c) of Section 192.5 of the Penal Code, when  
31 the prior conviction resulted from the operation of a  
32 vessel, or Section 23152 or 23153 of the Vehicle Code or  
33 Section 191.5 or paragraph (3) of subdivision (c) of  
34 Section 192 of the Penal Code, when the separate  
35 conviction resulted from the operation of a motor vehicle,  
36 for purposes of sentencing in order to avoid imposing, as  
37 part of the sentence or as a term of probation, the  
38 minimum time in confinement and the minimum fine, as  
39 provided in this section. When a separate conviction is  
40 stricken by the court for purposes of sentencing, the court

1 shall specify the reason or reasons for the striking order.  
2 On appeal by the people from an order striking a separate  
3 conviction, it shall be conclusively presumed that the  
4 order was made only for the reasons specified in the  
5 order, and the order shall be reversed if there is no  
6 substantial basis in the record for any of those reasons.

7 (k) A person who flees the scene of the crime after  
8 committing a violation of Section 191.5, paragraph (1) or  
9 (3) of subdivision (c) of Section 192, or subdivision (a) or  
10 (c) of Section 192.5 of the Penal Code shall be subject to  
11 subdivision (c) of Section 20001 of the Vehicle Code.

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